



INTERIOR BOARD OF INDIAN APPEALS

Doug Rey and Dolly Rey v. Sacramento Area Director, Bureau of Indian Affairs

31 IBIA 39 (06/16/1997)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DOUG REY and DOLLY REY,	:	Order Dismissing Appeal
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 96-32-A
SACRAMENTO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 16, 1997

Fred J. Cooper, Violet Rey, Doug Rey, and Dolly Rey sought review of a November 14, 1995, decision of the Sacramento Area Director, Bureau of Indian Affairs (Area Director). The Area Director's decision recognized a March 15, 1995, recall of members of the Interim Executive Council for the United Auburn Indian Community of the Auburn Indian Rancheria, and the results of a tribal election held on June 24, 1995. On January 18, 1996, the Board placed the Area Director's decision into immediate effect pursuant to 25 C.F.R. § 2.6 and 43 C.F.R. § 4.314(a), and informed the Appellants that, because of that action, they could proceed to Federal court if they so chose.

On April 1, 1996, the Board received notice that Appellants had filed suit in Federal district court. Cooper v. U.S. Department of the Interior, CIV-S-96-0547-EJM-JFM (E.D. Cal.). By order dated April 2, 1996, the Board stayed further proceedings before it pending receipt of instructions from the court.

The Board received a status report from Appellants Fred Cooper and Violet Rey on April 24, 1997. Cooper and Violet Rey stated that the district court issued a Memorandum Opinion and Order on February 28, 1997, and that on April 5, 1997, they stipulated to the dismissal of both the Federal court case and this proceeding. On April 16, 1997, the district court dismissed with prejudice the case before it. Cooper and Violet Rey requested that the Board also dismiss this appeal, but noted that the district court's February 28, 1997, Order had granted both a motion by counsel to withdraw from representing Doug Rey and Dolly Rey and motions filed by Doug Rey and Dolly Rey in which those individuals asked to be dismissed from the district court proceeding. Cooper and Violet Rey emphasized that their attorney no longer represented Doug Rey and Dolly Rey, and that Doug Rey and Dolly Rey had not joined in the stipulated dismissals.

On April 25, 1997, the Board dismissed Cooper and Violet Rey from this appeal with prejudice. It gave Doug Rey and Dolly Rey until May 28, 1997, to inform the Board whether they, or either of them, objected to the dismissal of this appeal as to them. The Board also gave the Area Director an opportunity to file any response he might wish to make.

The Board's April 25, 1997, Order stated: "If Doug Rey, Dolly Rey, or the Area Director fail to respond to this order, he or she will be deemed to agree that the matter should be dismissed with prejudice." The Board has not received a response from Doug Rey, Dolly Rey, or the Area Director.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Sacramento Area Director's November 14, 1995, decision is dismissed with prejudice.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge